

SETTING THE RECORD

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PVT Michael D. Hawk reports to your section as a new Personnel Administration Specialist. During your initial counseling, you find out he has five years prior service. He also spent the last 3 1/2 years in the Army's "Green to Gold" program. He did well in the program, but just was not able to successfully complete Advanced Calculus and was dropped from the program.

You wonder why, with all that experience, he is a private. This doesn't seem right. You check with the retention NCO. She tells you the Army's policy for soldiers who fail to complete the "Green to Gold" program is to order them to Active duty at the rank of private.

You tell PVT Hawk, "There's nothing we can do at this point because that's the regulation."

It just doesn't seem right. You knew that a civilian coming in off the street with that much college wouldn't come in as a private. You also knew that prior service soldiers are commonly brought back on Active duty at their former rank.

There is still a way to help PVT Hawk. It's the Army Board for Correction of Military Records.

Prior to World War II, a member of the military who believed an error or injustice had occurred in his military records would file a petition with his Representative in the U.S. Congress. A private relief bill sponsored by the member of Congress was the method of correcting official military records.

By 1946, more than 1,400 private bills had been introduced by various members of Congress. Of these, only 14 had been enacted by Congress, and only seven had become law. It was clear there had to be a better way.

After World War II, Congress directed each of the military services to establish a method to review applications and correct errors or injustices in military records. The Army Board for Correction of Military Records (ABCMR) under the direction of the Secretary of the Army, was designated to serve this function for the Army.

The Secretary of the Army established the ABCMR to allow soldiers, former soldiers and their families or heirs an opportunity to have their contentions heard by a fair and impartial board. This panel is outside the influence of military members and is charged with the duty to determine if errors or injustices have occurred.

The ABCMR is composed of at least three high-level civilians from the executive part of the Army. The Secretary of the Army appoints members on a rotating basis as an additional duty. They determine if an error or injustice has occurred and what course of action will provide relief to the applicant.

To obtain a review, an applicant submits a DD Form 149 (Application for Correction Military Record).

Who should apply?

You should apply to the ABCMR when you feel an error or injustice has occurred. Normally, an application is only considered after using all administrative means for correcting an omission or error in your military records. For example, if you are attempting to have a Noncommissioned Officer Evaluation Report removed from your records, the ABCMR will not take any action until the Enlisted Records and Evaluation Center and/or the Enlisted Special Review Board has completed an appeal of the Evaluation Report.

Which records apply?

All records maintained by the military concerning your career. Some com-

mon examples are: NCOER or OER, nonjudicial and judicial punishment, documents used to compute dates of rank (promotion orders), basic active service dates, pay entry basic dates and award orders.

When should I apply?

You should apply to the ABCMR only after exhausting all administrative means of resolution and within three years from the date of discovery of the error. Some circumstances will warrant consideration past the three-year statutory limit. However, you should submit your application as soon as possible after exhausting administrative remedies.

What should I send with my application?

You must send a DD Form 149, Application for Correction of Military Record. The application must have an original signature (photocopied and faxed signatures are not accepted). The DD Form 149 should fully explain the error or injustice. You may continue any explanation on a separate sheet of paper. A recent copy of your Official Military Personnel File (OMPF) commonly referred to as fiche or microfiche, if available. Statements from agencies from which you have sought administrative remedies. Any other document you believe proves your contentions. Keep the information concerning your address current and provide a current telephone number.

What happens with my appeal after I send it in?

Your appeal is screened by the ABCMR's staff. This section ensures the application contains an original signature, clearly explains what error or injustice occurred and any referenced attachments are included. This staff will contact you if there are discrepancies. You will have the opportunity to supplement your application with the correct

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